

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
PECOS DIVISION**

UNITED STATES OF AMERICA

V.

JOHN ANTHONY BAEZA

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Cause No. P-21-M-1154

**PROBABLE CAUSE FINDING AND
ORDER OF DETENTION PENDING TRIAL**
(risk of flight and danger to community)

PROBABLE CAUSE FINDING

The Defendant stands charged by complaint with a violation of 8 U.S.C. § 1324 – Conspiracy to commit alien smuggling and transporting illegal aliens. Under the provisions of Rule 5.1, Fed. R. Crim. P., it appears there is probable cause to believe that an offense has been committed and that the Defendant committed the offense as alleged. The Government has shown the necessary probable cause to get the case before the Federal Grand Jury.

DETENTION ORDER

The Government moved to detain the Defendant on the basis of Title 18, U.S.C. § 3142. In accordance with the Bail Reform Act, 18, U.S.C. § 3142 (f), a detention hearing has been held. I conclude that detention of the Defendant is required pending trial in this case for the following reason(s):

FINDINGS RELATED TO DETENTION

- 1) The evidence and punishment range against the Defendant are substantial.
- 2) The Court took judicial notice of the Complaint, Affidavit in support of the Complaint, and the Pretrial Services Report. Special Agent John Vale, with Homeland Security Investigations, testified concerning the facts outlined in the complaint.
- 3) The Defendant has several family members living in Mexico, including his mother.
- 4) The Defendant's criminal history is attached to this Order. The Defendant is currently on Parole.

The Court finds there is no condition or combination of conditions which would reasonably assure the appearance of the Defendant as required and the safety of the community, taking into account all the available information presented to the Court. There is clear and convincing evidence that the Defendant is a danger to the community as well as a preponderance of the evidence which indicates that the Defendant is a risk of flight. Therefore, the Defendant is **DETAINED**.

DIRECTIONS REGARDING DETENTION

In light of the findings and reasons set forth above, it is **ORDERED** that:

- 1) The Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal during the time he awaits trial;
- 2) The Defendant be afforded opportunity for private consultation with his counsel during this period in detention;
- 3) The facility where the Defendant will be placed shall make the Defendant available to the United States Marshals Service for any appearance in connection with a Court proceeding in this matter; and,
- 4) In the event of an appeal of this detention order, the Pretrial Services' Report shall be sealed and made part of the record in this cause.

It is so **ORDERED**.

SIGNED this 30th day of November, 2021.



DAVID FANNIN
UNITED STATES MAGISTRATE JUDGE

PRIOR RECORD:

A criminal record check conducted through the National Crime Information Center (NCIC) and local records in Ector County revealed the following arrest history.

<u>Date of Arrest</u>	<u>Agency</u>	<u>Charge</u>	<u>Disposition</u>
11/27/2015 (Age 21)	Odessa Police Department; Odessa, TX; Case No.: 15-4779	Evading Arrest	02/04/2016: Convicted, 200 days jail, \$264 court cost, \$500 fine

11/27/2015 (Age 21)	Odessa Police Department; Odessa, TX; Case No.: 15-4781	Evading Arrest	02/04/2016: Convicted, 200 days jail, \$264 court cost, \$500 fine
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08/06/2017 (Age 23)	Ector County 358th District Court; Odessa, TX; Case No.: D-17-1937-CR	Assault Public Servant	10/16/2018: Deferred, 2 years probation, \$329 court cost, \$1,000 fine Convicted, 7 years confinement, \$759 court cost, \$1,000 fine The defendant is on Parole and supervised by Officer, Shimar Jennings in Odessa, TX. Officer Jennings was informed of the instant offense.
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07/26/2018 (Age 24)	Ector County Court at Law 2; Odessa, TX; Case No.: 18-4079-CCL2	Assault	06/30/2021: Convicted, 180 days jail, \$1,025 fees laid out in jail
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08/07/2018 (Age 24)	Odessa Police Department; Odessa, TX	Abandon Endanger Child Int/Know/Reck/Criminal Neg	06/30/2021: Rejected
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